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Attorneys for Defendants
 BAY AREA RAPID TRANSIT DISTRICT,
 J. MEHSERLE, F. GUANSON, K. SMITH,
 D. HORNER and R. HANEY

Attorneys for Plaintiff
 KENNETH CARRETHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

KENNETH CARRETHERS,

Plaintiff,

vs.

BAY AREA RAPID TRANSIT DISTRICT, J.
 MEHSERLE, F. GUANSON, K. SMITH, D.
 HORNER, R. HANEY and DOES 1-25, inclusive,
 Defendants.

Case No. CV 09 1101 MHP

STIPULATION AND
~~PROPOSED~~ ORDER TO
 CONTINUE SETTLEMENT
 CONFERENCE

Date: December 15, 2009
 Time: 10:00 a.m.
 Courtroom: B, 15th Floor
 Judge: Hon. Maria-Elena
 James

The parties to the above-captioned action, through their respective counsel, hereby stipulate as follows and request that the Court enter an order pursuant to their stipulation:

1. That the settlement conference currently scheduled for December 15, 2009, at 10:00 a.m., be continued to a date to be determined at the March 22, 2010 case management conference;

The grounds for this request are as follows:

1. The parties are presently exchanging written discovery, and are scheduling the depositions of multiple BART employees to take place in January 2010;

2. On November 23, 2009, the Court denied plaintiff Carrethers' motion to compel defendant Mehserle's deposition, vacated the trial dates, and set a further case management conference

1 for March 22, 2010;

2 3. The parties believe that settlement discussions will be more meaningful once the
3 discovery referenced above has been completed.

4 SO STIPULATED.

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6 Dated: December 8, 2009.

7 LOW, BALL & LYNCH

8
9 By s/ Dirk D. Larsen
10 DALE L. ALLEN, JR.
11 DIRK D. LARSEN
12 Attorneys for Defendant
13 BAY AREA RAPID TRANSIT DISTRICT
14 J. MEHSERLE, F. GUANSON, K. SMITH, D.
15 HORNER and R. HANEY

16
17 Dated: December 8, 2009.

18 SCOTT LAW FIRM

19 By s/ Lizabeth N. de Vries
20 JOHN HOUSTON SCOTT
21 LIZABETH N. DE VRIES
22 Attorneys for Plaintiff
23 KENNETH CARRETHERS
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[PROPOSED] ORDER

Pursuant to the stipulation of the parties herein, and good cause appearing therefor, it is
HEREBY ORDERED:

1. That the settlement conference currently scheduled for December 15, 2009, at 10:00 a.m.,
be continued to a date to be determined at the March 22, 2010 case management conference.

IT IS SO ORDERED.

Dated: 12-10-09 _____.



HON. MARIA ELENA JAMES
U.S. CHIEF MAGISTRATE JUDGE